

BOARD OF DIRECTORS – ACTION SUMMARY
Thursday, November 9, 2006 – 6:00 p.m.

Administration Building
2101 Hurley Way, Sacramento, CA

CALL TO ORDER

The meeting was called to order by President Engellenner. Board Members present: Duveneck, Engellenner, Goold, Granados, Jones, Kelly, Lawson, Trujillo, Valley. Staff: Fire Chief Mette, General Counsel Margarita, Board Clerk Tilson.

PLEDGE TO FLAG led by the Girl Scouts of Tierra Del Oro.

METRO CABLE 14 ANNOUNCEMENT

The open session Meeting is videotaped for cablecast on Metro Cable 14. Replay on Sunday, November 12 at 2:00 p.m. and Monday, November 13 at 6:00 p.m. on Channel 14; Webcast at www.sacmetroable.tv. A VHS copy is also available for checkout from any library branch.

EMPLOYEE AWARD—(Mette)
Letter of Appreciation – Jill Conner

Unable to attend – deleted.

EMPLOYEE INTRODUCTIONS:

Fire Chief Mette introduced the new Facilities manager, Jim Teich.

Captain Mike Daw, Drill Master of Fire Recruit Academy Class 2006-02, introduced his staff: Captain Greg Casentini-Operations, Engineer Jeff Harris-Plans, and Firefighter Pete Jotaja-Logistics. Firefighter Recruits present: Josh Anderson, Andy Andreis, Scott Gowin, Justin Hallock, Daniel Hoy, Josh Leonard, Chris Manos, and Scott Ward.

On behalf of the Board, President Engellenner welcomed everyone aboard and thanked Fire Chief Mette for bringing in the new recruits and Facilities Manager.

Director Trujillo expressed his appreciation to Captain Daw for an outstanding job.

PUBLIC OPPORTUNITY TO DISCUSS MATTERS OF PUBLIC INTEREST WITHIN DISTRICT JURISDICTION INCLUDING ITEMS ON OR NOT ON THE AGENDA

None.

CONSENT AGENDA:**1. Board Meeting Action Summary—October 26, 2006**

- **Board Action:**
Granados/Lawson—approve the consent Agenda. Directors Duveneck, Engellenner, Goold, Granados, Jones, Kelly, Lawson, Trujillo, Valley, AYE. Motion carried.

TWO ADDITIONS TO THE AGENDA:

President Engellenner announced two items to be added to the Agenda:

CLOSED SESSION - requested by General Counsel Margarita:

CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION

Significant Exposure to Litigation Pursuant to California Government Code Section 54956.9(b):
One Case

Claim Against Public Entity Pursuant to Government Code Section 910
Frank M. Carson vs Sacramento Metropolitan Fire District

- **Board Action:**
Goold/Granados—add the item to the Closed Session. Directors Duveneck, Engellenner, Goold, Granados, Jones, Kelly, Lawson, Trujillo, Valley, AYE. Motion carried.

ACTION ITEM – requested by Fire Chief Mette:

HUMAN RESOURCES TECHNICIAN JOB DESCRIPTION

- **Board Action:**
Lawson/Trujillo—add the action item to the Agenda. Directors Duveneck, Engellenner, Goold, Granados, Jones, Kelly, Lawson, Trujillo, Valley, AYE. Motion carried.

ACTION ITEM(S):

1. Proposal to Purchase Dozer—(Wagner)

- Engineers Richard Stapp and Darrell Suenram worked hard to make this an outstanding program.
- PowerPoint presentation provided background history of the pilot Dozer Operations Program to include the trial period started July 4 and currently ending, along with associated costs.
- Dozer 1 responded to 72 incidents with suppression action on 36; constructed over 61,300 feet of fire line; and participated in many hours of training for operators and line personnel to include basic dozer operation and safety.
- Overall cost for the trial period was approximately \$175,000 for the rental and personnel.
- A survey of the trial period provided valuable feedback and indicated the dozer was very effective in containing fire in hilly terrain.
- Estimated cost to implement the dozer program:

Cost of Equipment:

D5N Dozer	\$ 178,496.68
Truck	\$ 168,965.06
Trailer	<u>\$ 73,635.85</u>
Total	\$ 421,097.59

Cost of Personnel:

One operator year round	\$	77,784	+ Benefits
Two operators for fire season (May 1 – November 1)	\$	<u>77,784</u>	+ Benefits
Total Personnel Cost	\$	155,568	+ Benefits

Facilities upgrade and repairs to Station 58	\$ 25,000
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- The dozer will go out to bid with specifications for similar equipment to include Code 3, radio communications, fire screens/fire curtains for protection, and all industry standards necessary for safety.
- Dozer program concept – three people on 24/7 shift, May through November, and one full-time year round for training others during the off-season.
- Caterpillar has offered to pay back 80% of the District's rental rate if they are successful through the bidding process.

- Questions and answers on the cost; benefit costs estimated at \$80,000; Grant funding can be researched.
- Director Goold suggested the dozer committee determine an available hourly rate to charge other agencies for use of the equipment and personnel as long as it does not take away from our first response. Also look at a deal for a backup dozer.
- Staff recommended the Fire Chief be authorized to place the dozer program into service as a permanent Metro Fire program.
- **Board Action:**
Granados/Kelly—approve the staff recommendation. Directors Duveneck, Engellenner, Goold, Granados, Jones, Kelly, Lawson, Trujillo, Valley, AYE. Motion carried.

2. Resolution No. 41-06 – Transfer of Funds 2006/07 Fiscal Year—(Sponable)

[Taken out of order after the Closed Session]

- Resolution provides for a transfer of funds in the amount of \$20,000 from the Fixed Assets Account 43 4303 00-Other Supplies to the Services and Supplies Account 20 2852 00-Physical Fitness Supplies for the purchase of treadmills. The price for the treadmills is under the \$5,000 threshold and is not a Fixed Asset.
- Staff recommends adoption of the Resolution.
- **Board Action:**
Granados/Valley—adopt the resolution. Directors Duveneck, Engellenner, Goold, Granados, Jones, Kelly, Lawson, Trujillo, Valley, AYE. Motion carried.

3. Resolution No. 42-06 – Industrial Disability Retirement Application-Firefighter Edward R. James—(Baltzell)

- On September 28, 2006, the Board approved Resolution No. 40-06, Industrial Disability Retirement Application with CalPERS for Firefighter Edward R. James. Subsequent to submission of this Resolution to CalPERS, the District was informed under *Nolan vs. City of Anaheim* (33 Cal 4 th 335) that additional language needed to be incorporated into the Resolution to comply with CalPERS policies. Further, because of the timeliness of CalPERS processing Mr. James' retirement application, the District was informed it was not required to make advanced disability payments.
- Mr. James' application is currently in process with CalPERS.

- Staff recommends adoption of the amended Resolution.
- **Board Action:**
Valley/Granados—adopt the Resolution. Directors Duveneck, Engellenner, Goold, Granados, Jones, Kelly, Lawson, Trujillo, Valley, AYE. Motion carried.

4. Reserve Firefighters Salary—(Baltzell)

- On October 26, 2006 staff received direction from the Policy Committee to bring to the full Board a salary adjustment that provides compensation according to a \$10.00 per hour rate for all of the various functions performed by the Reserve Firefighter.

The Policy Committee also requested a more in-depth view of the costs for the Reserve Program over the past three years.

- A three-page staff report was presented containing a chart of the Reserve Firefighters' current hourly rate; charts for fiscal years 2003/04, 2004/05, and 2005/06 relative to response volume; costs for response, training events, station maintenance/equipment checks, retirement program, and the total costs associated with the Reserve Firefighter Program which reflected \$29,059.50 – 2003/04, \$27,922.50 – 2004/05, and \$27,853.91 – 2005/06.

Personal Protective Equipment (PPE) cost not shown is a one-time cost of about \$4,000 per Reserve Firefighter.

- Staff is working on a plan to expand the program from the nine current Reserves to a maximum of 40.
- Staff recommended approval of the salary rate adjustment to \$10.00 per hour beginning January 1, 2007 for all Reserve Firefighter functions (responses, training, standby).
- Director Goold urged the Board to consider a rate much higher than \$10.00 per hour and hoped to see another increase in the coming months.

President Engellenner agreed and stated the Policy Committee recommended \$10.00 per hour. The Reserves have not had an increase in ten years and recommended moving ahead tonight and look at it again in a couple months.

- **Board Action:**
Goold/Trujillo—approve the staff recommendation for \$10.00 per hour and look at it again in a couple months. Directors Duveneck, Engellenner, Goold, Granados, Jones, Kelly, Lawson, Trujillo, Valley, AYE. Motion carried.

5. ALS Intervention Fee Schedule—(Cantelme)

- A two-page staff report was submitted providing background information on the ALS Intervention Fee. The \$50 assessment fee is applied to a patient's bill whenever the patient is placed on a heart monitor and an EKG interpretation is made.
- The assessment fee only generates approximately \$30,000 and is not an industry standard; therefore, staff recommended the Board authorize the Fire Chief to discontinue the \$50 assessment fee effective January 1, 2007.
- Director Valley felt the assessment fee should be discontinued effective immediately to encourage people to continue to use the service.
- Fire Chief Mette stated the fees for the residents of the Rancho Murieta Mobile Home Park were waived.
- **Board Action:**
Goold/Duveneck—discontinue the assessment fee effective immediately. Directors Duveneck, Engellenner, Goold, Granados, Jones, Kelly, Lawson, Trujillo, Valley, AYE. Motion carried.

6. Fire Chief's Salary—(Engellenner)

[Taken out of order]

- President Engellenner stated it was recommended by the Policy Committee that the Fire Chief's salary be adjusted when he reaches the top step with the addition of 15%.
- Director Lawson stated this came before the Policy Committee, with a recommendation to move it to the full Board.
- Director Kelly stated he was more than happy to approve this but this is a policy issue and felt we should follow the process of submitting a written report with data to study.

In response to Director Kelly, Fire Chief Mette stated he will reach the top salary step next October.

- Director Goold proposed tabling the discussion and get the necessary data for a Presentation Item to fulfill the obligation to the community of providing access to information.

- There was further discussion on the process of Presentation Items accompanied by a written report prior to placement on the agenda as an Action Item.
- Captain Monahan of Local 522 stated he spoke at the Policy Committee meeting. Data was gathered for the negotiation process and in comparison to other departments, the Fire Chief's position is significantly underpaid.
- Director Valley recommended the Fire Chief's salary and work be discussed in Closed Session.
- **Board Action:**
Goold/Duveneck—motion to table. Directors Duveneck, Goold, Jones, Kelly, Valley, AYE. Engellenner, Granados, Trujillo, NO. Director Lawson, abstained. Motion carried.
- Relative to the motion, the Policy Committee recommendation to the full Board still stands.

7. Resolution No. 43-06 – Labor Contract Sacramento Area Fire Fighters Local 522 Memorandum of Understanding—(Mette)

- Captain Pat Monahan, Local 522 representative, stated the union members at meetings held November 6 and November 7 ratified the Memorandum of Understanding. He thanked everyone who participated in the process.
- Fire Chief Mette stated the Board was briefed on the 522 contract at the last Closed Session meeting.

The Board provided direction on parameters for the 1959 Survivor's Benefit not to exceed a certain amount and the cost was lower at \$28,000. The District will move ahead on this benefit.

Background provided with labor negotiations commencing July 27 and finalized October 24. The contract term is five years from January 1, 2007 through December 31, 2011, with a sunset in three years for wages only.

District's negotiating team was Fire Chief Mette, Director Valley, Deputy Chief Latta, and Charmie Junn. Local 522 was represented by Captain Monahan, Captain Schmiedt, Captain Miranda, Engineer Cook, and Engineer Ingram.

- Director Duveneck was in favor of the personnel getting a reasonable pay raise but expressed concern on the need for more data on comparables in addition to salaries, such as the cost-of-living index and the impact of salaries on the pension and benefits package in the future. Need more than one Closed Session two weeks prior for discussion.

Fire Chief Mette stated the District is the seventh largest in the State and the comparables used were the top 14 Metro departments. Relative to the comparable cost of living, most firefighters do not live in the area where they work. Salaries and benefits are at 81% of the total budget; a contract clause provides for reopening the contract at 85%. The salary increase is 4% plus an equity adjustment capped at 4% with comparables to be looked at in December (for years 2007, 2008 and 2009).

- Director Goold stated this contract is a great example of shared governance. This contract can carry over for three years and it is appropriate to discuss it when we meet after that time period. In favor of moving this issue forward tonight.
- Director Jones stated there seems to be a concern on the issue of process. At the end of the three-year period, we need to make sure the entire Board is involved in more than one Closed Session.
- Director Trujillo expressed 100% support stating that the Sacramento Metropolitan Fire District has the best men and women in the Fire Service.

- **Board Action:**
Valley/Granados—adopt the Resolution approving the Local 522 labor contract. Directors Engellenner, Goold, Granados, Jones, Kelly, Lawson, Trujillo, Valley, AYE. Director Duveneck, NO. Motion carried.

- Captain Monahan, Local 522 representative, congratulated Director Kelly and Director Valley on their significant win in the election on November 7.

Thanked the Board wholeheartedly on behalf of the entire membership of Local 522 and the Administrative staff.

- Brian Rice, President of Sacramento Area Fire Fighters Local 522, thanked everyone involved in the negotiations and the Board of Directors who voted for the contract. This is a good package for the men and women that work here and for the citizens. It is affordable and leaves a healthy buffer in renewable revenues that will allow this District to continue its growth and expansion.

**8. Resolution No. 44-06 – Labor Contract Battalion Chiefs
Local 228 Memorandum of Understanding—(Mette)**

- Battalion Chief Jeff Gordon stated the Union members ratified the contract.
- Fire Chief Mette stated labor negotiations started around October 1 and finalized October 31. The contract term is five years, with a sunset in three years for salary. Basically the same as the Closed Session presentation.
- District's negotiating team was Fire Chief Mette, Director Valley, Deputy Chief Latta, and Charmie Junn. Local 228 was represented by Maria Carroll – Teamsters Business Rep, Battalion Chief Gordon, Battalion Chief Turner, Battalion Chief Van Brunt, and Battalion Chief Denny.
- **Board Action:**
Goold/Lawson—adopt the Resolution approving the labor contract. Directors Engellenner, Goold, Granados, Jones, Kelly, Lawson, Trujillo, Valley, AYE. Director Duveneck, NO. Motion carried.

9. Human Resources Technician Job Description—(Junn)

- Due to vacancies in the Human Resources Division, it is District practice to review the job description for accuracy prior to posting a job announcement.
- Significant modifications include, among other things:
 - All reference to “workers’ compensation claims” was deleted since the Risk Management Division handles this function.
 - There is no “employee evaluation program.” Reference deleted.
 - Experience has been changed to three years of responsible clerical office experience or two years of human resources experience.
- Director Goold recommended under Experience the deletion of the word “training” where it states . . . any combination of training/education.
- Director Lawson stated the Policy Committee at its meeting tonight recommended moving this item to the full Board for approval.
- **Board Action:**
Granados/Duveneck—approve the job description with Director Goold’s correction. Directors Duveneck, Engellenner, Goold, Granados, Jones, Kelly, Lawson, Trujillo, Valley, AYE. Motion carried.

PRESENTATION ITEM(S)**PRESIDENT'S REPORT—(Engellenner)**

- Congratulations to Directors Valley and Kelly on their re-election and the two appointed with no opposition [Directors Engellenner and Trujillo].

Reminder that the Swearing-In Ceremony for the four Directors will be held on Friday, December 1, 2006 at 9:00 a.m.

- Congratulations to Captain Mark Thomsen of the Sacramento Metropolitan Fire District who was elected to the Board of Directors at the El Dorado Hills Fire Department.

FIRE CHIEF'S REPORT—(Mette)

- Met with Supervisor Peters and Bob Roscoe of the Suburban Water District on the Sierra Oaks issue, with no outcome from that meeting. Distributed a survey from Suburban Water sent to the citizens of that area in 2003 on an assessment district. A 44% response was received with 71% against an assessment, 20% in favor, and 9% undecided. The workshop was 49% Yes and 51% No.
- Medic 66 placed in service November 1. Moved the flex medic from Station 66 to Station 51.
- Temporary Station 68 permit in the Anatolia area was granted by the City. Anticipate opening on December 15, 2006.
- Met with the Rancho Cordova Park District and other staff on a permanent site. We will know by December 10 if we are moving ahead with the Park District.
- December 7, 2006 at 7:00 p.m.— Fire Recruit Academy graduation ceremony.
- Fire Incident report since the last Board meeting: 11 working structure fires; 2 firefighters were injured on the November 7 at a care home fire.
- October 28, 2006 – Station 111 ground breaking was held.
- Attending a Cal Chiefs Executive Class in Fresno next week from Sunday through Thursday. Deputy Chief Latta will be in charge during that time.
- November 16, 2006 – Neighborhood barbeque for Station 110 - invitations were distributed to the Board.

- Introduced new legal secretary, Adriene Edwards.
- Received a letter from the Susan G. Komen Breast Cancer Foundation. District provided two dinners at Station 59. They had a fundraiser at the Rancho Murieta Country Club and raised \$1,450 for the dinners.
- Happy Thanksgiving.
- In response to Director Lawson's concern on other water districts surrounding Sierra Oaks, Chief Mette stated Mr. Roscoe indicated he would set up some type of forum with the Regional Water Authority. Basically, the people living in those areas will have to pay but the 2003 survey indicated they were not in favor of an assessment.

There was a general consensus that the residents should be made aware of the fire safety issues through an educational effort.

GENERAL COUNSEL'S REPORT—(Margarita)

COMMITTEE AND DELEGATE REPORTS:

Executive Committee—(Engellenner)

- Next meeting: TBA

Communications Center Delegate—(Valley)

- Next Meeting: November 28, 2006 – 10:30 AM

California Fire & Rescue Training Authority—(Goold)

- Next meeting: TBD

Finance Committee—(Kelly)

- Next meeting: December 14, 2006 – 5:00 p.m.

Policy Committee—(Lawson)

- Next meeting: November 28, 2006 – 5:00 p.m.
- Items for next meeting:
 - Cost Recovery Policy.
 - Need Information for the Fire Chief's salary when it is brought back to the Committee and Board – requested comparables from Charmie Junn.

Director Valley recommended a Closed Session.

BOARD MEMBER QUESTIONS AND COMMENTS:**Goold:**

- Congratulated all parties involved in the shared governance discussed this evening.
- Welcomed the new employees.
- Wished everyone Happy Holidays.

Kelly:

- He concurred with the several Board members who commented that they would like to see policy adhered to with items coming as Presentation and voted on as Action Items. Tonight's debacle could have been avoided had this happened. Looks forward to our meeting on November 28 and seeing the Fire Chief's salary on the Agenda and being able to vote on it at that time.

Lawson:

- Congratulated the new recruits.
- Thanked staff for their professional input on the items tonight.
- Congratulated Directors Kelly and Valley on their re-election.
- Thanked the Union and Administration for getting the collective bargaining agreement that will benefit our employees and protect the interest of our constituents.
- Happy Holidays to everyone.

Duveneck:

- Congratulated Metro Fire for the opening of Station 110 on Eastern Avenue on Thursday, November 16. There will be a neighborhood appreciation dinner and welcomed everyone.
- Enjoyed the groundbreaking in Rio Linda. Special thanks to the dozer group.
- Last Saturday he visited the site where our brave Deputy Sheriff lost his life in the service to our community. Expressed his deepest condolences to his family and would like to dedicate this meeting in his memory with a moment of silence at the close.

Trujillo:

- Thanked the Color Guard from the Thomas Edison Elementary School for their presentation of the Colors.
- Welcomed Adriene Edwards and Jim Teich.
- Talked with Assistant Chief Cantelme regarding CPR training in Orangevale some time next year. Informed constituents in Division 3 to look for an article in the Orangevale News on date and location. Thanked Chief Cantelme.
- Thanked staff for their reports.
- Congratulated Directors Kelly and Valley on their re-election.
- Thanked Fire Chief Mette for doing an outstanding job. He felt the process was right for his pay raise and felt each and every Board member acknowledges his continuous and outstanding work.
- Thanked the men and women for their work each and every day in protecting the District. Glad we could give a fair and equitable pay raise and contract.

Valley:

- Thanked everyone that supported him, particularly the voters. The firefighters were not asked to support him but they really came out.
- Thanked Fire Chief Mette and Charmie Junn on their efforts in the negotiations.

Granados:

- Welcomed aboard Jim Teich, Facilities Manager.
- Reminder that November 11 is Veterans Day. In Rancho Cordova at the Veterans hospital there will be a small ceremony and urged attendance to pay tribute to the people who have fallen and also those returning from Iraq.
- The labor contracts are sound and were clearly presented item by item.
- Expressed regret that the Fire Chief's pay became an issue. Disappointed at some of the inappropriate commentary. Process can be worked on but need to be cognizant of people's feelings.

Kelly:

- Thanked all the voters in Division 7 for their support.

Skip Nance:

- Station 110 – The barbeque is by invitation only for the people affected by the construction of the station. For everyone else, there will be a general open house during the first part of December.

RECESS TO CLOSED SESSION 6:30 PM

[Taken Out of Order after Action Item No. 1]

RECONVENE TO OPEN SESSION 7:16 PM

CLOSED SESSION GOVERNMENT CODES:

Report by Fire Chief Mette:

1. CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION

Attorney Edward Kreisberg, Meyers Nave

Pursuant to California Government Code Section 54956.9(b)(1)

No action taken.

Report by General Counsel Margarita:

2. CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION

General Counsel Dick Margarita

Pursuant to California Government Code Section 54956.9(b)(1)

No action taken.

3. CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION

Significant Exposure to Litigation Pursuant to California Government Code Section 54956.9(b): One (1) Case

- a. Claim Against Public Entity Pursuant to Government Code Section 910
George B. Appel vs Sacramento Metropolitan Fire District

The claim was denied by a unanimous vote of the Board.

4. CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION

Significant Exposure to Litigation Pursuant to California Government Code Section 54956.9(b): One (1) Case

- a. Claim Against Public Entity Pursuant to Government Code Section 910
Frank M. Carson vs Sacramento Metropolitan Fire District

The claim was denied by a unanimous vote of the Board.

ADJOURNMENT – Meeting adjourned at 9:00 p.m.

H. Peter Engellenner, President

Ray Trujillo, Secretary

Charlotte Tilson, Clerk of the Board